

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARINA CONERLY,

Plaintiff,

v.

JULIE G. YAP, et al.,

Defendants.

No. 2:21-cv-01132-TLN-CKD

ORDER

On July 26, 2021, and again on October 27, 2021, the magistrate judge filed findings and recommendations (ECF Nos. 4, 8) in this matter which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. On August 10, 2021 and on November 10, 2021, Plaintiff filed objections to the findings and recommendations. (ECF Nos. 5, 9.)

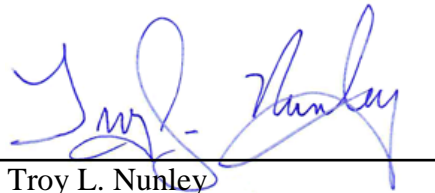
This Court reviews *de novo* those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the matter on the applicable law. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Court reviews the magistrate judge's conclusions of law *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452,

454 (9th Cir. 1983).

The Court has reviewed the applicable legal standards and concludes it is appropriate to adopt the findings and recommendations in full. Accordingly, IT IS HEREBY ORDERED:

1. The findings and recommendations filed July 26, 2021 (ECF No. 4) and the findings and recommendations filed October 27, 2021 (ECF No. 8) are both ADOPTED in full;
2. Plaintiff's *Ex Parte* Application for an order granting sole legal and physical custody of minor daughter (ECF No. 3) is DENIED;
3. This action is dismissed without leave to amend for failure to state a claim; and
4. The Clerk of the Court is directed to close this case.

DATE: November 29, 2021



Troy L. Nunley
United States District Judge